



## **CITY OF EUREKA**

### **DEVELOPMENT SERVICES DEPARTMENT**

Community Development Division  
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# *Conditional Use Permit*

## **Overview**

The City of Eureka is divided into various zoning districts. Each zoning district has uses which are permitted by right, and other uses which are conditionally permitted. All conditionally permitted uses require a Conditional Use Permit.

The purpose of a Conditional Use Permit is to allow review of compatible uses which need special consideration, and to ensure that the project will not cause problems for the neighborhood; City or state facilities, such as roads, sewer or water systems, schools and parks; or public services such as police and fire protection. The use cannot cause serious public health, safety or welfare problems or have an adverse impact on the environment.

## **How to Apply**

Conditional Use Permit applications are available at the Community Development Department, 3<sup>rd</sup> floor, City Hall, or on the Department's website at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov). Staff can assist you with the materials needed for a complete application packet. Once you have put together a complete application packet, return the application packet along with the application fee to the Department for processing.

## **The Process**

### **Step 1: Application Acceptance, Department Review**

Once your application has been submitted and fees collected, Staff will perform a preliminary review of the application to determine if the application is complete. Should your application be found incomplete, you or your agent, if you have designated one, will be contacted and advised what items must be submitted before processing can continue. You will have 120 days from the date of the contact (e.g. letter, telephone call, e-mail) to submit the requested material, or the review of your project will expire unless an extension is granted prior to the expiration. Once expired, a new, complete application, including all supplemental material and a full fee is required to re-initiate the review process.

### **Step 2: Referrals**

Once your application has been accepted as complete, the assigned planner will send copies of your application materials to other City departments and public agencies having jurisdiction or authority over your project. If the responding Departments or agencies identify issues that must be resolved prior to the continued processing of your application, or if additional information is required by those Departments or agencies, the assigned planner will contact you or your agent, if you have designated one, and advise you of what is needed.

### **Step 3: Environmental Review**

When the referral process is complete, the assigned planner will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA, or if further environmental review is required. If the project is exempt from CEQA, then Step 3 is complete. If the project is not exempt from CEQA, then the required environmental document must be prepared and circulated for agency and public comment.

## **Step 4: Staff Review and Reporting**

Staff will prepare a written report that discusses the legal findings and presents staff's recommendations. The findings will determine whether the location and the use is in accord with the objectives and purposes of the code and the district in which the site is located; that the use will not be detrimental to the public health, safety, or welfare; and, if the proposed use is located in the coastal zone, that it is consistent with the City's Local Coastal Program. A copy of the staff report will be sent to you.

## **Step 5: Public Notice and Hearing**

The Planning Commission has the authority to approve, approve with conditions or deny your Conditional Use Permit after holding a public hearing on the application. A Notice of the Public Hearing will be published in the Times Standard and will be sent to all property owners and tenants within 300 feet of your property. The notice, which must be published and mailed at least 10 calendar days prior to the hearing will state the date, time, and place for the public hearing. In addition, you will be asked to post on your property a sign, that we will provide to you, stating the date and time of the public hearing. You and/or your agent are encouraged to attend the Public Hearing. At the public hearing, any person may present verbal and/or written testimony for or against the project. The Planning Commission will take into account the whole record, including all of the public testimony before making their decision.

## **Step 6: Appeals**

You as the applicant, or any other person, can appeal decisions of the Planning Commission to the City Council; the appeal must be filed with the City Clerk within 10 calendar days of the Planning Commission's decision. Appeals must be submitted in writing on forms provided by the City Clerk and be accompanied by the required fees.

## **Expiration of Permits**

The Conditional Use Permit shall lapse and become void one year following the date on which the use permit became effective unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required. If you believe your Conditional Use Permit will expire, you may request a one year extension of your permit. Please note that applications for extensions must be submitted before the expiration date, and may be granted only when the circumstances and conditions of the original approval have not changed.

## **Other Permits and Reviews**

In addition to completing the Conditional Use Permit process, you may be required to obtain additional permits or reviews prior to proceeding with your project, such as Design Review, Historic Preservation Review, Building permits, Encroachment permits, and/or permits from Caltrans, Department of Fish and Game, or other agencies. The referral process should identify these additional requirements, and Community Development Department Staff can discuss with you what additional permits or reviews may or will be required.

## **How to Get Help**

Call, e-mail or visit the Community Development Department; we are available to discuss your project with you. You may also wish to hire a consultant, such as an architect, engineer, land surveyor, or professional planner to assist you; a listing of qualified professionals is available in the yellow pages of the phone directory.